

Livable Delaware Advisory Council
April 17, 2007
Meeting Summary

Members Present: John Carney, Lt. Governor, Chair
Lee Ann Walling representing Mark Brainard, Governor's Office
Senator Venables, DE General Assembly
Michael Scuse, Department of Agriculture
John Hughes, DNREC
Dina Reider representing Judy McKinney-Cherry, DEDO
Ralph Reeb representing Carolann Wicks, DeIDOT
J. Kelly Crumpley representing Mike Petit de Mange, Kent County
Ken Murphy, NCC Civic League
Francis Julian, Homebuilder Association of Delaware
Marty Ross, Public member
Don Mulrine, League of Local Governments
Joe DiPinto, City of Wilmington
David Baker, Sussex County
Jeff Bullock, New Castle County
Jen Gochenaur, Delaware Nature Society
Paul Morrill, Historic Preservation

Others Present: Connie Holland, OSPC
David Edgell, OSPC
Herb Inden, OSPC
Renee Dixon, OMB
Paul Clark, New Castle County Council
Stephanie McClellan, New Castle County Council
Bill Powers, New Castle County Council
Charlie Baker, New Castle County Land Use
Vicky Walsh, DSHA
Kim Brockenbrough, DSHA
Gary Warren, New Castle County Farm Bureau
Jane Dille, League of Women Voters

Lt. Governor Carney called the meeting to order at 1:35 p.m. Lt. Governor Carney welcomed everyone to the meeting and announced that New Castle County has requested an extension on their comprehensive plan. Lt. Governor Carney asked Connie to explain what has happened since the last meeting.

New Castle County Comprehensive Plan Extension

Connie Holland commented that New Castle County has done an excellent job of presenting their comprehensive plan. The PLUS response letter that was sent to the county was reviewed and there were two certification issues which were Source Water Protection and SRAs. These two issues were reviewed by DNREC and John Hughes

stated at the February meeting that they were nothing that couldn't be worked through. A motion was made by Mr. Mulrine and seconded by Mr. Murphy that the Governor's Advisory Committee on State Planning Issues recommends certification of the New Castle County Comprehensive Plan per compliance with the two certification issues described in the PLUS letter from State Planning dated 2-13-07 and any amendments agreed upon with the State Planning Office. The Office of State Planning should be the lead agency to ensure all certification issues have been addressed before forwarding the plan to the Governor with the LDAC recommendation. This motion passed.

Charlie Baker stated that New Castle County Executive Chris Coons presented the plan to council members who had questions. A letter from Mr. Baker requesting a deadline extension was sent to Ms. Holland on March 14th on behalf of New Castle County Council.

Stephanie McClellan, New Castle County Council, stated that the council members felt there was not enough time to review the 82 changes in the plan. The purpose of the extension is to get information and correctly respond to questions and concerns.

Bill Powers, New Castle County Council, commented that TDRs are a real concern.

Joe DiPinto questioned how the City of Wilmington would get involved. Mr. Carney answered that the law currently prohibits that.

Jeff Bullock commented that the City of Wilmington is a major component in terms of 60% new units that they hope go North. Mr. Bullock also stated that the success of the plan is about density while the TDRs are an important tool. The TDR program may or may not work but the comprehensive plan can not live or die based on TDRs.

Ms. Holland stated that annexations into the local jurisdictions are the key. They want to grow and have the ability to serve.

Mr. Carney stated that the plan relies on the notion of change above the canal and inquired about what the reaction has been. Ms. McClellan answered that fear has been the reaction and that there is a resistance to change. This is going to be a difficult process and policy and leadership tools need to be relied on.

Mr. Powers added that south of the canal, people do not want to see change and instead most people would rather see preservation.

Ms. Holland commented that it is not density, its design and gave examples of facades made to blend in Kent County.

Ken Murphy asked how much change to the plan is allowed before it returns to the Advisory Committee. Ms. Holland answered that if the changes are major then the plan will need to return to the Committee.

Mr. Murphy questioned if there was enough time available without destroying existing benefits. Mr. Bullock answered that if the plan is not changed significantly then the timeline should be fine. If the changes made are major then there will be issues with the timeline. Mr. Bullock continued that New Castle County Council is aware of the timeline and are sensitive of that information.

Paul Clark, President of New Castle County Council, confirmed that the council wanted more time to review all the information. Council members want to vote for something that is going to work and council would like to get past working on the budget to meet and answering questions regarding the plan.

Mr. Hughes stated that the two certification issues which are Source Water Protection and SRAs have been resolved. The fourteen (14) page comments are wishes, hopes, ideas and concerns. Mr. Hughes congratulated Mr. Baker on working relationship. Mr. Hughes does not have any further concerns that would affect the plan for certification.

Ms. Holland advised New Castle County that they have eighteen (18) months after the certification to do ordinances and instead should spend time on the certification.

Michael Scuse questioned Mr. Bullock what the drop down date would be. Mr. Bullock answered the sooner, the better. There is no actual date.

Mr. Carney stated that this is a difficult process both politically and as an administration. It takes time for a comfort level to be established.

Gary Warren commended the New Castle County Council for asking for an extension.

Francis Julian suggested that the price of TDRs be supported that way the federal government supports the price of corn. Have the government step in and buy TDRs.

Mr. Scuse described that the TDR legislation would create demand.

Mr. Warren remarked that he fully supports a TDR process that works and feels a pilot program is needed.

Mr. Scuse countered that a pilot program is not needed because Kent County has already done seven (7) TDRs and there is legislation concerning TDRs that has been developed.

Robert Venables mentioned that the TDR legislation was not passed last time around because the Sussex County Farm Bureau did not want the program.

Mr. Warren replied that the Farm Bureau voted yes unanimously to approve TDRs.

A motion was made by Marty Ross and seconded by Mr. Mulrine to have the Governor's Advisory Council on Planning Issues approve the New Castle County Comprehensive Plan Extension Request. The motion passed.

Mr. Carney asked the members to review the February 15, 2007 minutes. Mr. DiPinto made a motion to approve the minutes and Mr. Mulrine seconded. The motion to approve the minutes from the February 15, 2007 meeting was approved.

Mr. Carney adjourned the meeting at 2:40 p.m.